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C O N F I D E N T I A L STATE 054436

SIPDIS, UNVIE FOR E.SANDBERG

E.O. 12958: DECL: 05/31/2035  
TAGS: [MTCRE](#) [PARM](#) [MNUC](#) [KSCA](#) [TSPA](#) [ETTC](#)  
SUBJECT: HAGUE CODE OF CONDUCT AGAINST BALLISTIC MISSILE  
PROLIFERATION (HCOC): GUIDANCE FOR THE MAY 28-29, 2009  
ANNUAL MEETING (C)

REF: A) STATE 041670  
B) 06 STATE 116243  
C) 08 STATE 042285  
D) 03 STATE 177636  
E) STATE 044998  
F) STATE 044996  
G) 08 STATE 063666  
H) 08 STATE 084719  
I) HERRMANN-AMADEO E MAIL OF 05-08-09

(U) Classified by ISN MTR Direction Pam Durham.  
Reason: 1.4 (B), (D).

11. (C) The following guidance is provided to the U.S. delegation participating in the HCOC Annual Meeting, in Vienna, on May 28-29, 2009.

12. (C) BEGIN GUIDANCE:

In discussing HCOC Annual Meeting agenda items, the delegation should seek HCOC outcomes that are consistent with U.S. foreign policy objectives, including nonproliferation and national security policy considerations. In particular, the delegation should be prepared to engage in a discussion of the following issues:

1A. (SBU) Activities of the Chair  
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Consistent with established practice, the delegation should support a role for the HCOC Chair that includes leading outreach activities and other contacts mandated by HCOC decisions. The delegation also may support a mandate for the Chair to engage with appropriate international bodies, multilateral regimes and arrangements, and regional organizations to promote the HCOC and underscore the need for broad support for international missile nonproliferation efforts.

1B. (U) Selection of the 2009-2010 HCOC Chair  
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Per REF G, the HCOC in May 2008 elected Costa Rica to serve as Chair in 2009-2010, and welcomed France's offer to serve as Chair in 2010-2011. The delegation should cooperate with other HCOC Subscribing States in achieving consensus on the Costa Rican official who will serve as HCOC Chair for 2009-2010 and in formally electing France to serve as HCOC Chair for 2010-2011. In the unlikely event that consensus is not possible on France, delegation should cooperate with other HCOC Subscribing States in achieving consensus on another country to serve as HCOC Chair in 2010-2011.

1C. (C) Activities of the Immediate Central Contact (ICC)

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(1) As necessary, the delegation should note that the U.S. sees no need at this time to broaden the ICC's functions or to establish a formal secretariat for the HCOC. As appropriate, the delegation also may remind other HCOC states that a key feature of the HCOC, since its inception, is that it has no formal secretariat or implementing organization, and thus does not create a financial burden on most Subscribing States

(2) Sharing Information Among Subscribing States: The delegation should indicate that the ICC's process for disseminating information about new subscribers and Annual Declarations (ADs) generally works well and should be continued. In this context, the delegation should support ICC efforts to update the national points of contacts list. The delegation may also note that the current fax process for sharing PreLaunch Notifications (PLNs) works well and need not be changed in the near-term. As necessary and appropriate, the delegation may participate in discussions on creating a more formal information-sharing system for the HCOC. However, as appropriate, the delegation should discourage creation of any system that will create an administrative or financial burden on the U.S. As appropriate, the delegation also should note that a key feature of the ICOC is that it has no formal implementing organization and thus does not create a financial or administrative burden on most Subscribing States.

(3) Electronic Repository for HCOC Documents: If the ICC or another HCOC country advocates establishing an electronic repository for AD, PLNs, and other relevant HCOC documents to provide an additional tool for Subscribing States to have electronic access to HCOC documents, the delegation should not object to such a system as long as it does not result in a financial or administrative burden on the U.S.

(4) Intersessional Meetings: As appropriate, the delegation should express skepticism about the need for additional formal HCOC meetings, including meetings to prepare for the HCOC annual meeting or to develop a UN resolution on the HCOC. Rather, Subscribing States should focus on encouraging additional countries to subscribe to the HCOC and to submitting timely ADs.

#### 1D. (C) General Discussion of Missile Issues

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In keeping with the agreement reached at the November 2004 HCOC Annual Meeting, the delegation should continue to encourage and support Subscribing States using Opening Statements at HCOC Annual Meetings to discuss the nature of the missile proliferation threat, its significance for HCOC Subscribing States, and ways Subscribing States can address that threat. Accordingly, the delegation should not support a separate agenda item for a "general discussion of missile issues," and should attempt to discourage any discussion of issues such as missile defense in this forum.

#### 1E. (C) Annual Declarations (ADs)

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The delegation should support "HCOC inreach" to remind Subscribing States of the importance of submitting their ADs ? including nil reports ? by the annual reporting deadline (March 31). As necessary and appropriate, delegation may report on the results of recent U.S. "inreach" efforts --- i.e., that the U.S. has approached more than 35 HCOC countries since January 2009 to remind them to submit their ADs.

#### 1F. (C) Prelaunch Notifications (PLNs)

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(1) The delegation should remind Subscribing States of the United States' long-standing position on PLNs, noting that the U.S. is continuing discussions with the Russian Federation on a PLN system to be established in connection with the U.S.-Russia Joint Data Exchange Center (JDEC) agreed to in June 2000. The delegation also should explain that the U.S. eventually would like to provide HCOC PLNs using a multilateralized version of the mechanism envisioned in the U.S.-Russia arrangement, and continues to work with Russia to address the issues which have been holding up implementation of the December 2000 U.S.-Russia PLNS MOU and JDEC MOA. However, the delegation may now volunteer that the USG is currently re-considering its PLNs position specific to the HCOC, consistent with the new Administration's commitment to multilateral non-proliferation efforts. While this interagency process is not yet complete, we intend to provide an update to the HCOC Subscribing States by the end of the summer on our implementation plans.

(2) As necessary and appropriate, the delegation should remind HCOC countries that the HCOC has previously agreed (in 2003) that there will be no prescriptive formats for ADs and PLNs and that there is no need for formal definitions in the HCOC (i.e., of missiles, space launch vehicles, etc.), as long as each country explains its approach and supplies the necessary data.

(3) On other issues related to PLNs, delegation should provide responses consistent with REF D.

#### 1G. (C) Proposed Amendments to the HCOC

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Consistent with REF A, the delegation should advise HCOC Subscribing States that the U.S. sees no need at this time to amend the HCOC. As necessary, the delegation also should make clear that the U.S. position on Russia's three amendments ("improvements") to the HCOC has not changed. The U.S. believes amendments to the HCOC should be made based on their merits and because they would enhance the HCOC's missile nonproliferation efforts ? which the three Russian amendments do not.

The U.S. further believes it inappropriate to amend the HCOC for the sole purpose of attracting more members. Countries should subscribe to the HCOC because they support its basic missile nonproliferation principles and objectives, not because joining will provide them political legitimacy or economic benefits. Moreover, while the HCOC should be a flexible and dynamic instrument, it is not yet fully functioning (e.g., not all HCOC countries yet submit ADs). Accordingly, it is premature to consider changing the basic elements.

Finally, the delegation should make clear that the U.S. would not support amendments to the HCOC that would create confusion or undermine existing international standards. In addition, the U.S. would oppose efforts to amend the HCOC such that it becomes involved in arms controls issues (e.g., verification regimes) for which it is ill-suited.

#### 1H. (C) Outreach Activities

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(1) The delegation should report on the results of U.S. efforts since the 2008 annual meeting to urge additional countries to subscribe to the HCOC.

(2) The delegation may support French/EU action plan for universalizing the HCOC, consistent with U.S. nonproliferation policy objectives and to the extent that the action plan does not impose unnecessary financial and administrative burden on HCOC countries.

(3) The delegation should strongly support creation of a helpful and informative HCOC website. As necessary and appropriate, the delegation should work with other HCOC countries to achieve consensus on HCOC FAQs for posting on the website (REF H and REF I).

I. (C) UNGA Resolution  
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The delegation should work with other HCOC countries to develop and agree on the text of a 2009 UNGA resolution on the HCOC. Additionally, the delegation should make clear that, if the HCOC decides to pursue an UNGA resolution in 2009, the U.S. would expect the HCOC to follow the procedures for tabling and amending an UNGA resolution on HCOC that were agreed on at the June 2004 HCOC meeting. (The number of co-sponsors for the resolution must be equal to at least a majority of the UNGA. If this is achieved, the resolution will be tabled. Any changes to the agreed draft resolution will require the approval of all HCOC Subscribers.)

J. (U) Next Meeting  
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The ICC has proposed holding the next regular meeting of the HCOC on May 31-June 1, 2010. The delegation should work with other HCOC countries to achieve consensus on the dates for the next HCOC annual meeting.

END GUIDANCE.

13. (U) Please slug any reporting on this or other HCOC issues for ISN/MTR.  
CLINTON